

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, CINCINNATI**

Dennis Allen, et al.	:	
Plaintiffs	:	Case No. C-1-01-159
v.	:	Judge Herman S. Weber
	:	Magistrate Judge Timothy S. Hogan
Leonard Kristal	:	
and	:	PLAINTIFFS MOTION FOR
	:	SUMMARY JUDGMENT AGAINST
John Crary	:	DEFENDANT LEONARD D. KRISTAL
	:	
Defendant	:	

Plaintiffs Dennis Allen, et al. (Plaintiffs) move this Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment against Defendant Leonard D. Kristal (Kristal). No genuine issues of material fact exist concerning Kristal s status as a fiduciary, his conduct as alleged in Plaintiffs Amended Complaint, and his failure to comply with the duties imposed on fiduciaries under ERISA. For these reasons, Plaintiffs request the Court enter judgment against Kristal and order relief as more fully described in the accompanying memorandum in support.

Date: November 10, 2003

Respectfully submitted,

/s/ David M. Cook

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following parties by first class mail, postage prepaid, on November 10, 2003, via U.S. regular mail, postage prepaid, upon the following:

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s/ David M. Cook

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